

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

SEP 22 2003

~~U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS~~

YOLANDA BEASLEY, et al.,
Plaintiffs,
vs.
ROBERT PIEKUTOWSKI, et al.,
Defendants.

)
)
)
)
)
)
Case No. 4:02CV00823 ERW [consolidated
with 4:02CV01463 SNL]

ORDER

On August 12, 2003, this Court issued an order denying Defendant Keith Kierzkowski's Motion to Dismiss Count One of each Complaint, but dismissed Count Three of each Complaint. In that same order, the Court dismissed Count Two of the original plaintiffs' Complaint against the United States for lack of subject matter jurisdiction, but declined to dismiss Count Two of Intervenor Plaintiff Louise Beasley's Complaint on the same grounds.

Count II of Intervenor Plaintiff Louise Beasley's Complaint is brought under the Federal Tort Claims Act. The United States is the proper party defendant for that claim, *see* 28 U.S.C. § 2679(d)(1), but Defendant Kierzkowski has advised the Court that it has not formally dismissed Count II against him and substituted the United States of America as the defendant for that Count.

Therefore,

IT IS HEREBY ORDERED that Defendant Kierzkowski's Motion to Dismiss Count Two of Intervenor Louise Beasley's Complaint [doc. # 79] is **GRANTED**.

IT IS FURTHER ORDERED that the United States of America shall be substituted as the proper party defendant for Count Two of Intervenor Louise Beasley's Complaint.

Dated this 22nd day of September, 2003.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

#93

UNITED STATES DISTRICT COURT -- EASTERN MISSOURI
INTERNAL RECORD KEEPING

***** CONSOLIDATED CASE *****

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE FOLLOWING INDIVIDUALS ON 09/23/03 by cliddy
4:02cv823 Beasley vs Piekutowski

42:1983 Civil Rights Act

David Baker -	Fax: 913-339-6187
Michael Corrigan - 2878	Fax: 314-621-2868
David Dickson - 64760	Fax: 314-621-8843
Gary Growe - 9255	Fax: 314-863-9388
David Horan - 101754	Fax: 314-918-7477
Robert Isaacson - 33327	Fax: 314-436-2515
Mark Keersemaker - 111118	Fax: 314-621-2868

Bradford Kessler - 9285
KESSLER AND DIEMER
8000 Bonhomme
Suite 112
Clayton, MO 63105

Charles Leeper -	Fax: 202-682-1639
Alan Mandel - 12708	Fax: 314-621-4800
Michael Miner -	Fax: 202-682-1639
Burton Newman - 3939	Fax: 314-863-4340
Stephen Ryals - 10602	Fax: 314-862-8845
Eric Schmitt - 102010	Fax: 314-863-9388

Susan Thies -
Torts Branch, Civil Division
U.S. DEPARTMENT OF JUSTICE
Ben Franklin Station
P.O. Box 888
Washington, DC 20044

Kimberly Ziropoulos - Fax: 202-616-5200

Scanned & faxed by

SEP 23 2003